

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:
Direct Purchaser Plaintiffs actions

**DECLARATION OF DANIEL L.
WARSHAW IN SUPPORT OF
MOTION OF DIRECT PURCHASER
PLAINTIFFS TO APPOINT
INTERIM CO-LEAD COUNSEL**

I, Daniel L. Warshaw, declare:

1. I am a partner in the firm of Pearson, Simon & Warshaw, LLP (“PSW”) attorneys of record for Plaintiff Maplevale Farms, Inc., in the case styled as, *Maplevale Farms, Inc. v. Agri Stats, Inc., et al.*, Case No. 1:18-cv-01803 (D. Minn.) (“*Maplevale*”), which has been related in this District to other antitrust lawsuits filed by purchasers of pork in this District.

2. I submit this declaration in support of the motion to appoint PSW and Lockridge Grindal Nauen PLLP (“LGN”) as Interim Co-Lead Class Counsel for a class of direct purchasers of pork in the United States.

3. I am one of the attorneys principally responsible for the handling of this matter. I am committed to prosecuting this case. If the Court appoints my firm as co-lead counsel in this litigation, PSW will devote the necessary resources and staff to support its leadership.

4. I have over 20 years of experience representing clients in complex litigation and class actions and have been appointed class counsel in numerous cases. I believe this experience will ensure that I will protect the interest of the class in this litigation.

5. PSW has extensive experience in class action, multi-district, and complex litigation, and has the ability to litigate this case on a class-wide basis. A complete profile of PSW's attorneys and a summary of the numerous complex litigation matters in which they have obtained successful results is set for in PSW's firm resume, a true and correct copy is attached to the concurrently filed Affidavit of W. Joseph Bruckner Describing Exhibits Submitted in Support of Motion of Direct Purchaser Plaintiffs to Appoint Interim Co-Lead Counsel as Exhibit E.

6. The attorneys at PSW have decades of experience handling complex class actions, including cases that involve the types of claims asserted in this case. PSW has represented a wide range of clients in complex litigation and class actions and have obtained well over *two billion* dollars in settlements and verdicts on behalf of their clients. PSW currently serves, or has served, as lead counsel in some of the most advanced, cutting-edge, class actions in the country including, but not limited to: *In re Credit Default Swaps Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.); *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.); *In re Carrier IQ Consumer Privacy Litigation*, MDL No. 2330 (N.D. Cal.); *In re Warner Music Group Corp. Digital Downloads Litigation*, No. CV 12-0559 (N.D. Cal.); *Sciortino, et al. v. PepsiCo, Inc.*, No. 14-cv-478 (N.D. Cal.); *Senne v. Office of the Commissioner of Baseball et al.*, No. 3:14-cv-00608

(N.D. Cal.); and *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-08127 (N.D. Cal.).

7. PSW currently serves as plaintiffs' co-lead counsel in *In re Broiler Chicken Antitrust Litig.*, Case No. 1:16-cv-08637 (N.D. Ill.) ("*Broiler Chicken*"), in which Judge Thomas Durkin appointed LGN and PSW as DPP co-lead counsel. I am a member of the team working on the *Broiler Chicken* matter.

8. PSW was recently appointed lead counsel for the indirect purchaser plaintiffs in the *In re German Auto Manufacturers Antitrust Litigation*, MDL No. 2796 (N.D. Cal). I, with my partner Bruce L. Simon, are involved in all aspects of this class action antitrust case.

9. PSW has demonstrated its commitment to protecting class members in significant matters, including *TFT-LCD*, in which my firm undertook tremendous risk and expense in prosecuting a large antitrust class action over a period of more than five years. Under the co-leadership of my firm and co-lead counsel, we managed over 50 firms that had filed direct purchaser cases. I personally, with co-lead counsel, managed discovery of nearly 8 million documents consisting of over 40 million pages, and oversaw as many as 136 document reviewers working concurrently.

10. Additionally, I have held a lead role in many of these cases, including but not limited to: *In re Carrier IQ, Inc. Consumer Privacy Litigation*, No. C-12-md-2330-EMC (N.D. Cal.), a nationwide class action alleging that mobile phone diagnostics company, Carrier IQ, Inc., and numerous mobile phone manufacturers, improperly intercepted consumer information in violation of state and federal law; *Wolph v. Acer America Corp.*,

No. C 09-1314 (N.D. Cal.), a nationally certified class action involving defective Acer computers that resulted in a class-wide settlement; *In re Warner Music Group Corp. Digital Downloads Litigation*, No. CV 12-559-RS (N.D. Cal.) and *James v. UMG Recordings, Inc.*, No. CV 11-1613-SI (N.D. Cal.), cases involving allegations of underpaid royalties to recording artists and producers for digital downloads of their music; *Nasseri v. CytoSport, Inc.*, No. BC439181 (L.A. Super. Ct.), a class action involving claims that CytoSport, Inc. failed to adequately disclose the amount of lead, mercury and arsenic contained in its protein supplements in violation of Proposition 65 and state consumer statutes; and *Sciortino, et al. v. PepsiCo, Inc.*, No. 14-CV-478 (N.D. Cal.) class action alleging that Pepsi beverages contained elevated levels of the chemical 4-Methylimidazole in violation of California's Proposition 65 and state consumer statutes.

11. My experience, in addition to that of the other attorneys at PSW, in leading these aforementioned complex class action lawsuits, makes PSW uniquely qualified to serve as Class Counsel in this case.

12. PSW has demonstrated similar zealous and determined advocacy on behalf of the class members in all of the cases in which it has been appointed lead or served as class counsel. PSW has pursued this litigation vigorously and will continue to zealously pursue this case on behalf of the Class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 26, 2018, at Sherman Oaks, California.

s/ Daniel L. Warshaw

Daniel L. Warshaw